

EXHIBIT A

Message

From: Jim Farrell [/O=OEXCH021/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JFARRELL@FREALFOODS]
Sent: 9/10/2012 3:26:34 PM
To: Andy Geppert [/O=OEXCH021/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Ageppert@FrealFoods]
CC: Jens Voges [/O=OEXCH021/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Jvoges@FrealFoods]; Judy Huang [/O=OEXCH021/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Jhuang@FrealFoods]
BCC: Graeser, Suzanne S. [SGraeser@mofo.com]
Subject: Hey Andy,
Attachments: Geppert_Andy - ECIIA.pdf; ECIIA Amendment_Andy Geppert_2012-09-10.pdf

Hey Andy,

A glitch has come up with your signed Employee Confidential Information and Inventions Agreement. When you signed it you added some FRLB2 items to Exhibit A, the List of Prior Inventions and Original Works of Authorship. See the signed document attached...

The effect of this, as you can see in Clause 2f where it describes what the list presented as Exhibit A is intended to be, is that you are claiming that your work on FRLB2 listed on Exhibit A still belongs to you, not f'real, which I'm quite sure you didn't intend. **Because you were working for Kablooe prior to joining f'real, and because I had contracted with Kablooe for your design work, the ownership of the work and associated IP you helped develop while at Kablooe is f'real's as I don't think you would dispute in any way.** None of us ever noticed this document situation before, but now that we are being asked to button up all of our IP ownership/control, this issue has been noticed and needs to be fixed.

Assuming you agree with this all, I have attached a new document that has been written to clear up this question of ownership of the IP. It's constructed as a letter from me, but no, I have not become a lawyer all of a sudden! It is written with the help of an attorney to be a kind of belt and suspenders fix for the problem, and so it sounds pretty legalistic.

Sorry to hit you with this out of the blue, and I am totally happy to talk to you about it if you would like, but I wanted to get all the moving parts in front of you so you can see what is going on.

I am hoping you can read the letter and that it makes sense to you, and that you will sign it and send it back by email followed by a hard copy to Judy so we can get this cleared up. It has been noticed at a late stage in the financing process, so the sooner we can get this cleared up the better. I. e., today is better than tomorrow, and tomorrow is way better than the next day...

Thanks for jumping on this Andy! And please give me a ring if you have questions or want to talk. I am on my cell and available all evening and most of tomorrow morning before we go into Blending Team mid-day tomorrow.

Jim



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Defendant's Trial
 Exhibit
 1:16-cv-00041-CFC
DTX058

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